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Letter dated 15 July 2005 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the Accra III Agreement on Côte d'Ivoire concluded on 30 July 2004 in Accra, to the statement by the President of the Security Council of 5 August 2004 (S/PRST/2004/29) and to my previous letters transmitting to the President of the Security Council the reports of the Tripartite Monitoring Group established under the Accra III Agreement.

Please find attached the fifteenth report of the Tripartite Monitoring Group, covering the period from 1 to 30 June 2005 (see annex).

I should be grateful if you would bring this letter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

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Annex

Implementation of the Accra III Agreement

(now extended to cover the Pretoria Accords)

Fifteenth report of the Tripartite Monitoring Group

Covering the period from 1 to 30 June 2005

I. Introduction

1. The present report is prepared pursuant to the Accra III Agreement of 30 July 2004, which established the Tripartite Monitoring Group and requested it to submit regular reports on the situation in Côte d'Ivoire and on the progress made towards the implementation of the Accra III Agreement, now extended into the recent Pretoria Accords. This fifteenth report covers major developments from 1 to 30 June 2005.

II. Overview

2. In the period covered, reports have been received of inter-communal violence in the West, particularly in and around Duékoué. Further reports of inter-communal violence have also been received from Abengourou in the East, although Abidjan has remained calm despite a general malaise about insecurity due to the rising level of criminality in and around the city.

3. Although the Pretoria Agreement in April 2005 emphasized to all sides of the political spectrum the critical importance of implementing the agreement in good faith particularly with regard to the adopting of the laws stemming from the Linas – Marcoussis Agreement, the disarmament process leading to the reunification of the country, and the creation of conditions conducive to the holding of elections in October 2005, the outbreak of pockets of inter-communal violence and clashes and the incessant bickering of the political class has brought the peace process to a stand still. Aside from the invocation by President Gbagbo of the exceptional powers contained in Article 48 to authorise the candidacy of Alassane Ouattara, and the signing of decrees restoring the Ivorian Radio and Television, RTI, to its pre-November 2004 status, no further progress has been recorded in the implementation of the legislative components of the Pretoria Agreement. Following the incidents of communal violence, the FPI parliamentarians in the National Assembly have declared their disinclination to

consider and adopt any further laws stemming from Linas-Marcoussis until and as such time that Prime Minister Seydou Elimane Diarra would have appeared before them to give an account of his stewardship. The opposition parties gathered under the banner of the Houphouetiste Alliance being the PDCI, RDR, MFA and UDPCI for their part have continued to challenge President Gbagbo's use of the exceptional powers of Article 48 to have the National Institute for Statistics (INS) review and update the electoral registers, as he ordered in his 26 April address.

4. The Forces Nouvelles Ministers for their part have not returned to their duties as Ministers citing security concerns, which concerns are being addressed by the Impartial Forces. Their engagement in the DDR process has also been stalled as the Forces Nouvelles announced that they would not commence the disarmament phase of the DDR on 27 June, as previously programmed, without the prior political and legislative reforms being adopted as they had demanded. The Forces Nouvelles have further conditioned their participation in the disarmament phase of the DDR to the prior disarmament of pro-government militia. A committee made up the Impartial Forces, the Forces de Defence et de Sécurité (FDS) and the Forces Armée des Forces Nouvelles has been set up to resolve differences, and the outcome of their meetings is expected shortly.

5. President Gbagbo, following the incidents of Duékoué and Abengourou, ordered military patrols in these affected areas within the government-controlled zone, and within the city of Abidjan to combat the rising tide of criminality, and has authorised the appointment of a senior FDS officer in charge security. Meanwhile, the Security Council has adopted resolution 1609 (2005), extending the mandate of UNOCI for a further 9 months.

6. In compliance with the Pretoria Accord, President Gbagbo made use of the exceptional powers conferred on him by Article 48 of the Constitution to enable the candidacy of Mr Alassane Ouattara for the October 2005 elections, a key demand of the Forces Nouvelles. The President, invoking the use of the exceptional powers of Article 48 of the Constitution until the crisis was resolved, designated the National Institute of Statistics as the 'sole agency" to compile the electoral lists for the elections of 2005 and to issue voters' cards and ordered the Independent Electoral Commission (IEC), constitutionally in charge of the organization of the elections, to take all the necessary measures to allow all political parties to verify the validity of the electoral lists at their convenience.

7. Opposition to the wider use by the President of the powers of Article 48 has arisen from the new opposition alliance of the PDCI, RDR, UDPCI and MFA, the Houphouetiste Alliance, who continue to question the neutrality of an institution whose head was known to have close political ties with the President. They also contend that Article 48 was, according to the Mediator's letter, solely to be invoked in order to give a legal basis to the eligibility of candidates for the October 2005 elections and, that all the other measures taken by the President were designed "to allow him to control the electoral process and remain in power".

8. This political debate was put in abeyance after 1 June when it was reported that inter-communal violence had erupted in Duékoué in the west resulting in some 100 people dead. Reports were also received of more inter-communal violence in the Abengourou area in the east. Although calls have been made for an enquiry into the incidents, and the members of the Tri-partite Committee visited Duékoué on 9 June 2005, the immediate effects of the incident were observed in the National Assembly where the pro-government FPI parliamentarians declared that they would cease sitting in Parliament until such time as the Assembly received an account of the stewardship of the Government of National Reconciliation. This position has resulted in a deadlock as to the passing of the substantive laws required to be amended by the Pretoria Agreement, to bring them into consonance with the letter and spirit of the Linas-Marcoussis Agreement.

III. Developments in the peace process

The Mbeki Facilitation Mission

9. The Mbeki peace process having therefore stalled, President Mbeki convened another meeting of the signatories to the Pretoria Agreement in order to take stock of the progress in the implementation of the agreement. The signatories of the Pretoria Agreement met in Pretoria on 28-29 June 2005. After intensive discussions, the parties issued a "Declaration on the Implementation of the Pretoria Agreement on the peace process in Côte d'Ivoire". Overally, the Ivorian public opinion was positive although, in some quarters understandably, hedged in some cautious optimism. There was general agreement that given the race against time towards the October elections, this would be the last chance for such a meeting to advance the process.

10. It is worth noting those elements in the declaration, which gave immediate cause for hope. These relate to the following issues:

- the disarmament and dismantling of the militia;
- the DDR;
- the Security of the members of Government from the FN and the Presidential Candidates;
- the Independent Electoral Commission (CEI); and
- the re-tabling of laws.

In the light of the track record of the implementation of previous undertakings by the signatories, it is significant to note the tenor of paragraph 11, which provides for sanctions against "...those parties who fail to implement the Pretoria agreements and block the peace process". This firm message has not been lost on the signatories, the political actors and the general public. The time-frames for the dismantling of the militias, DDR, the re-tabling of the laws, including that on the CEI, have rekindled hope in the feasibility of holding elections as constitutionally stipulated in October 2005.

Disarmament and Dismantling of Militias

11. In the Pretoria Agreement, responsibility for the disarming and dismantling of all militias throughout the national territory was placed under the Prime Minister of the Government of National Reconciliation. Work on this exercise has been proceeding at various levels. The Mouvement pour la Liberation du Grand Ouest (MLGO) indicated their willingness to engage in disarmament provided that the Forces Nouvelles also agreed to disarm. Under the Troika Mechanism established by the Prime Minister, a task force composed of Impartial Forces and FDS are meeting to draw up a draft operative plan for this exercise. The new Pretoria Declaration should give impetus to this preparatory work to move to a commencement.

Disarmament, Demobilisation and Reintegration Process

12. The DDR, a key issue and focus of activity in the peace process, has stalled over the objections of the FN. Although the two military protagonists FDS and FAFN had signed an agreement at Yamoussoukro on 14 May 2005 that

disarmament would commence on 27 June, the announcement by the ex-rebellion that they would not commence disarmament as expected has brought the process to a halt.

(i) Security of the Forces Nouvelles Members of the Government of National Reconciliation

The close protection guards underwent training in South Africa in May and June 2005. They returned to Côte d'Ivoire in mid-June and are ready for deployment. This should hasten the return to government of all FN ministers. Following the new Pretoria Declaration, arrangements will be finalized and agreed for the close protection of Presidential candidates and the FN Secretary General.

(ii) Security of Areas under control of the Forces Nouvelles during the DDR process

This issue hinges on the training of some 600 security auxiliaries drawn from the FN. The programme including identification of trainees and the mode of training is being carried out under the auspices of Mediation and UNOCI.

(iii) Meeting with the Forces Nouvelles in Bouake

On 15 June 2005, the Monitoring Committee went to Bouake to meet leaders of the Forces Nouvelles. The purpose was to exchange views on the DDR and several other issues in the peace process. At the meeting, the FN repeated their reservations over the commencement of the DDR. The Committee admonished them to demonstrate greater cooperation to enable a jump-start to the DDR process.

Following the meeting, the members of the Monitoring Committee proceeded to see one of the DDR sites in Bouake, which was yet to be rehabilitated. The Committee then visited another DDR site in Bondoukou, in the government controlled area, where they saw the state of a rehabilitated site. It was evident to the members of the

Committee that serious obstacles would have to be overcome to secure the political will of the FN to start the DDR process.

Electoral process

13. The official political parties have continued to mobilize their support base and constituents for the upcoming elections with campaign rallies being held in and around Abidjan and other areas within government-controlled territory. However, despite the invitation to the United Nations to participate in the work of the Independent Electoral Commission and the Constitutional Council, the determination of the extent of United Nations involvement in the work of these institutions is still to be defined. In the cluster of some twelve recommendations in the report of the Electoral Assessment Mission sent to Côte d'Ivoire, the Mission marshalled those conditions which should be fulfilled within the constraints of time before elections could be held. The new Pretoria Declaration, which reflects many of these conditions, should remove some of these obstacles.

Review of selected legislative texts by the National Assembly

14. Two texts of legislation relating to the composition of the Independent Electoral Commission and the public funding of political parties were tabled and passed by the National Assembly before the recent impasse consequent to the Douékoué incident, the effective boycott of parliament by the FPI parliamentarians and the refusal of the Forces Nouvelles to engage in disarmament. Together with the two decrees relating to the restructuring of the National Radio and Television (RTI), these are the only legislative texts adopted since the signing of the Pretoria Agreement. The deadlock at the Council of Ministers concerning the remaining five legislative texts to be reviewed by the National Assembly was due to divergent views within the Council as to the mode of reviewing these laws. This was referred to the Mediator, whose determination may be seen as reflected in paragraph 8 of the Pretoria Declaration, the relevant portion thereof reading as follows:

"...In that regard, the national Assembly should adopt, by 15 July 2005, all the amendments to the seven laws proposed by the Mediation, failing which the Mediator is authorised to make a determination about exceptional measures, *inter*

alia, ordinances and decrees, to be taken by the President to ensure the passage of the amendments."

Human Rights

15. The human rights situation in Côte d'Ivoire remains a cause of concern amid continued reports of violations of human rights both in government-controlled areas and in Forces Nouvelles areas. On 9 June 2005, UNOCI published its second report on the state of human rights in Côte d'Ivoire, which underscores the need for urgent improvement.

Humanitarian Assistance, Economic Recovery and Reconstruction

The tragic incidents in Duékoué brought into sharp relief the constraints in the scope of humanitarian assistance required at such critical times of tribulation an suffering by the population in conflict situations. All observers, government, official and private have highly commended the quick response of the United Nations country team agencies such as UNHCR, OCHA, UNICEF, UNFPA, WHO, WFP, as well as other humanitarian agencies such as ICRC, Médecins Sans Frontières, and Catholic Relief.

The scale of the funding required by these agencies has revived the debate over the pledges made to the annual United Nations Consolidated Appeal Programme (CAP).

IV. Conclusion

The situation in Côte d'Ivoire remains critical and volatile, with the elections less than four months away. It is now generally expected that the convening by the Mediator of another meeting of the main political actors in the Ivorian crisis and the resultant Declaration of 29 June 2005 have provided the catalyst needed by the country to propel it towards a peaceful and durable resolution of the conflict.

The quality of life for the population remains a cause for concern, as the economy continues its downward spiral and basic infrastructure and necessities continue to suffer degradation, with conceivably explosive social consequences. In this critical phase of the peace process, it is more important than ever before that the

peace brokers continue to actively urge the main political actors in Côte d'Ivoire to play their part, in the crucial interest of their beleaguered nation, and implement the concessions that they have agreed to, if the country is to meet the constitutional deadline for the holding of the critical Presidential elections in October 2005 and legislative elections thereafter.

In this regard, the International Community has been given a significantly stronger hand to enforce implementation within the established time frame, by the Pretoria Declaration, where all the signatories have accepted the application of sanctions against defaulters.

Signed on behalf of the Group

Ambassador Raph Uwechue
Chairman
30 June 2005